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VIA ECF

Hon. George B. Daniels
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Sokolow v. Palestine Liberation Organization et al.* — 04-CV-397(GBD)(RLE)

Dear Judge Daniels:

I write in response to Plaintiffs' letter dated August 28, 2014 (DE 590) which concerns Plaintiffs' Objections and Cross-Designations to Defendants' Counter-designations (DE 589). Plaintiffs' claim that their filing "is not called for under the Federal Rules of Civil Procedure" is not correct. Rule 26(a)(3)(B) required the Plaintiffs to "serve and promptly file a list of . . . any objections to the use under Rule 32(a) of a deposition designated by another party" "[w]ithin 14 days after" such designations "are made." Fed. R. Civ. P. 26(a)(3)(B). Defendants made their Counter-designations on January 21, 2014, and they were submitted as Exhibit 2-2 to the Parties' Joint Proposed Pretrial Order on that same date. Thus, Rule 26(a)(3)(B) required Plaintiffs to serve and file their objections to Defendants' Counter-designations by February 4, 2014. Rule 26(a)(3)(B) also provides that "[a]n objection not so made—except for one under Federal Rule of Evidence 402 or 403—is waived unless excused by the court for good cause." *Id.* Because Plaintiffs have not demonstrated "good cause" for their late objections to Defendants' Counter-designations, the objections contained in DE 589 (except those under Federal Rule of Evidence 402 or 403) have therefore been waived. Pursuant to Rule 26(a)(3)(B), Defendants are submitting their Objections to Plaintiffs' Cross-Designations by separate filing today.

Plaintiffs' August 28, 2014 letter also requests that they be allowed to supplement their trial exhibit list with a document they have designated as Plaintiffs' Exhibit 1118. The Court should not allow this supplementation of the exhibit list for the reasons stated in my prior letters of May 2, 2014 (DE 484) and June 30, 2014 (DE 551). Whether it is included in the trial exhibit list or not, and pursuant to Rule 26(a)(3)(B), Defendants' hereby object to the admissibility of Plaintiffs' Exhibit 1118 on the grounds of authenticity, lack of foundation, best evidence, hearsay, speculation, improper opinion, relevance, Federal Rule of Evidence 403, not produced in fact discovery, and not listed as required in the Joint Pretrial Order.

Sincerely,

A handwritten signature in blue ink that appears to read "B.A. Hill".

Brian A. Hill